

Application No. 10/027,728
Amendment dated March 30, 2005
Response to Office Action of December 30, 2004

Atty. Docket No. 042390.P13349
Examiner Shrader, Lawrence J.
TC/A.U. 2124

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. No claims have been amended, added or canceled. Thus, claims 1-24 are pending.

CLAIM REJECTIONS - 35 U.S.C. § 103(a)

Claims 1-24 were rejected as being unpatentable over U.S. Patent No. 6,810,478 issued to Anand, et al. (*Anand*) in view of U.S. Patent No. 6,256,668 issued to Silvka, et al. (*Silvka*). For at least the reasons set forth below, Applicants submit that claims 1-24 are not rendered obvious by *Anand* and *Silvka*.

Claim 1 recites:

upon receiving through the network from the device an indication that the first system has been loaded, indicating through a user interface that the device is in a state in which the device is available to load an operating system selectable through the user interface.

Claim 8 recites similar limitations. Claim 5 similarly recites:

upon receiving from the server through the network a second instruction responsive to the indication that the first system has been loaded, the second instruction to load an operating system selected from a user interface, loading the operating system from the server...

Claim 12 recites similar limitations. Claim 15 recites:

the processing unit coupled with the network communication unit to determine from the first indication that the device is in a state in which the first system has not been loaded for the device, and to indicate through a user interface, upon the network communication unit receiving the second indication, that the device is in a state in which the device is available to load an operating system selectable through the user interface.

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Thus, Applicants claim receiving an indication after a first system has been loaded indicating the availability to load an operating system that is selectable through a user interface.

In discussing *Anand*, the Office Action states:

An indication is sent from a client to a network server and a first instruction is received to load a first system (an *operating system specific* bootstrap), which is loaded on the client (e.g., Figure 4, ref. Nos. 418 and 420).

See page 2 (emphasis added). Claim 22 recites limitations similar to those discussed above.

Applicants submit that *Anand teaches away* from allowing operating system selection after the first system has been loaded. Therefore, *Anand* lacks proper motivation for the proposed combination of *Anand* with *Slivka*. Accordingly, Applicants request that the rejection of claims 1, 5, 8, 12, 15 and 22 as being unpatentable over *Anand* and *Slivka* be withdrawn.

Claims 2-4 depend from claim 1. Claims 6 and 7 depend from claim 5. Claims 9-11. Claims 13 and 14 depend from claim 12. Claims 16-21 depend from claim 15. Claims 23 and 24 depend from claim 22. Because dependent claims include the limitations of the claims from which they depend, Applicants also request that the rejection of claims 2-4, 6, 7, 9-11, 13, 14, 16-21, 23 and 24 as being unpatentable over *Anand* and *Slivka* be withdrawn for at least the reasons set forth above.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-24 are in condition for allowance and such action is

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earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date:

MARCH 30, 2005



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